

Task Force on the Future for Growth and Development in Maryland
March 24, 2008 / 12:00 PM – 3:00PM
Banneker-Douglass Museum
Annapolis, Maryland

Meeting Summary

Attendance

Members: Jon Laria (Chair), David Beall, Derick Berlage, Karl Brendle, David Carey, Asuntha Chiang-Smith, Sandy Coyman, Jan Gardner, Carol Gilbert, Teena Green, Richard Hall, Frank Hertsch, David Jenkins, Brigid Kenney, Gerrit Knaap, Caitlin Rayman, Dru Schmidt-Perkins

Attendees: Marty Baker (MDOT), Peter Bouxsein (Office of Delegate McIntosh), Michele Dinkel (MACo), Devon Dodson (DBED), Roger Fink (Charles Co. County Attorney), Jen Haley (Office of Delegate Lafferty), Christopher Jakubiak (Jakubiak & Associates), Leslie Knaap (MACo), Rick Johnson (MDOT), Marsha McLaughlin (Howard Co. P&Z), Tom Reynolds (MML), Brian Turnbaugh (DBM), Caroline Varney- Alvarado (DHCD), Barbara Zektick (MDOT)

MDP Staff: John Coleman, Amanda Conn, David Costello, Nicole Diehlmann, Pat Goucher, Don Halligan, Jocelyn Harris, Linda Janey, Jenny King, Stephanie Martins, Nery Morales, Matt Power, Eric Schmitt, Shelley Wasserman

Welcome & Administrative Matters

The Chair, Jon Laria, clarified that the meeting summaries are not minutes. Accordingly members should review and suggest any changes that they feel are necessary.

Mr. Laria noted that a copy of HB366 was included in the Task Force packet as requested at the February 25, 2008 meeting. Ms. Amanda Conn, Policy Advisor, Maryland Department of Planning, briefly discussed HB366 (BRAC Zone bill), noting that the bill was still in its original committees and is expected to move to the Senate tomorrow.

Mr. Laria reminded the Task Force that the May 7th meeting will be held at MDP's Office at 301 W. Preston Street, Baltimore. Please note the time change to 1:00 P.M. – 4:00 P.M.

Ms. Shelley Wasserman, Attorney General, Maryland Department of Planning, briefed the Task Force on the Terrapin Run decision. Ms. Wasserman explained that a 4:3 decision was recently handed down from the Court of Appeals. The issue before the Court of Appeals was whether the Board of Appeals of Allegany County used the correct

standard when it granted a Special Exception, allowing a planned residential development to be built because it was “in harmony” with the Allegany County Comprehensive Plan (2002). The majority of the court decided that the board acted correctly. The decision which is being reviewed across the State and nationally could have a significant impact on the role of comprehensive plans in local land use decisions.

Mr. Laria noted that a list of 12 questions was distributed to MACo, MML and MDP to address.

***Please refer to the Task Force’s web portal on MDP’s website for copies of all presentations which were given electronically.**

Presentation: Maryland Association of Counties (MACo) Panel – The County Perspective

Mr. Les Knaap, Associate Director, MACo, explained that panel members will be giving examples of the comprehensive planning process while addressing some of the questions requested by Mr. Laria.

Mr. Sandy Coyman, Director, Worcester County Department of Comprehensive Planning

Mr. Coyman presented: The Comprehensive Planning Process. Mr. Coyman noted that the comprehensive planning process was a real opportunity for the community to come together and plan. He then detailed the comprehensive planning process in Worcester County noting that Article 66B lays the groundwork for comprehensive planning. The Plan contains a goal statement and focuses on many issues such as: population growth, age and income; transportation, critical areas, housing. The Plan also has an emphasis on creating communities not subdivisions.

Ms. Marsha McLaughlin, Director, Howard County Department of Planning and Zoning

Ms. McLaughlin presented: The Comprehensive Planning Process. Ms. McLaughlin discussed the comprehensive planning process under the guide of Article 66B; necessary technical research and the coordination with other County agencies, municipalities, adjoining counties and regional organizations. The internet and citizen input have also become a major part of the comprehensive planning process.

Dr. Fern Piret, Director of Planning, Prince George's County Department of Planning

Dr. Piret discussed comprehensive planning implementation and that the comprehensive plan should precipitate changes to the zoning code (be reiterative of one another).

Ms. Jan Gardner, President, Frederick County Board of Commissioners

Ms. Gardner presented: Engaging Stakeholders. Ms. Gardner detailed the process on how to get the public involved in the comprehensive planning process. Ms. Gardner also noted the agency and government coordination and planning capabilities of the Frederick County Department of Planning (Planning Division and Permitting and Development Review).

Mr. Roger Fink, County Attorney, Charles County

Mr. Fink briefed the Task Force on the history of zoning at the national level and in Maryland.

Mr. Leslie Knapp, Associate Director, MACo

Mr. Les Knaap concluded the MACo presentations by addressing the Smart Growth Survey his office conducted of Maryland counties. Mr. Knaap listed the major impediments to growth from the county perspective: lack of sewer capacity, education of citizens, education of developers, education of elected officials, lack of water capacity and citizen opposition. Many respondents expressed the desire for increased infrastructure funding. Mr. Knaap stated that a full copy of the survey results will be available by the end of April.

Presentation: Maryland Municipal League (MML) Panel – The Municipal Perspective

Mr. Tom Reynolds, Manager, Research & Information Management, MML

Mr. Reynolds presented the summary findings of the MML Smart Growth Survey. Please view the PowerPoint presentation in its entirety for more detail on MDP's Task Force portal.

Mr. Christopher Jakubiak, Jakubiak & Associates, Inc.

Mr. Jakubiak informed the Task Force that his firm works across Maryland assisting with comprehensive plan updates including the new requirements under HB1141- municipal growth and water resources elements. Mr. Jakubiak discussed the dichotomy of infrastructure adequacy and the relations between the municipalities, county and State.

Mr. David Carey, Board of Town Commissioners, Town of Bel Air

Mr. Carey briefed the Task Force on the Town of Bel Air's Comprehensive Plan process which includes a visioning retreat, consideration of Article 66B and interjurisdictional coordination.

Mr. Karl Brendle, Director, Planning & Zoning Division, City of Laurel

Mr. Brendle presented: Growth Element, Annexation and Smart Growth Practices, highlighting the City of Laurel's urban growth boundary, annexation element and public facilities. The Hawthorne development was focused on as a planning/development example.

Presentation by the Maryland Department of Planning – The State Perspective

Mr. Richard E. Hall, Secretary, Maryland Department of Planning

Mr. Hall presented: Maryland Planning – Which Path?

Mr. Hall stated that citizens in Maryland call for more sustainable growth. He also noted that the purpose of PFAs is to concentrate and designate growth. MDP has conducted a series of models and guidelines to assist local governments with the requirements of HB1141. Mr. Hall thanked MACo and MML for their efforts on their surveys and addressed comprehensive plans which were designated as the number one tool for municipalities and counties.

Discussion

Mr. Laria asked if there were any general questions regarding the presentations.

Mr. Knaap asked about the actual requirements for planning and whether zoning is one of those requirements. Ms. Wasserman replied that technically these requirements are optional. Counties such as, Garrett do not have county-wide zoning.

Mr. Knaap commented that the National Center for Smart Growth and MDP offered to review the survey questions. He stated that the State Development Plan is not a negative action instead it is very positive to look at local comprehensive plans and build up local statewide plans and maps.

Mr. Berlage acknowledged the importance of comprehensive plans and that traditionally in government there are local government controls such as zoning. Most planners would say that the best comprehensive plan is one that considers a large area. The Task Force has to determine parameters for a State Development Plan which must be more than a compilation of local plans. It could be a plan of “what if”; a visual map of what it could be which may be very effective.

Ms. McLaughlin commented that she started to look at the local assembly of plans and the State should be involved to resolve conflicts. She added that the level of communication between counties and municipalities has been high at Planning Directors’ meetings. The Planning Directors’ meetings are held quarterly by MDP. Something to consider is the fact that growth rates are slowing, but growth is spilling out of Central Maryland to rural areas. We need to get our elected officials on board so that we can get growth back to older urban areas.

Mr. Coyman suggested perhaps that the group to consider the questions the following questions:

What does the State want to become?

How does the State address those issues?

Maybe this group should focus on problems that really need to be solved rather than discussing the abstract.

Mr. Beall suggested that one of the duties for this Task Force is to educate elected officials and developers on the incentives for growth management and building in PFAs. It is valuable to sell the product of growth management to those who resist change.

Ms. Schmidt-Perkins summarized the Smart Growth survey that planning should be local, but the job is not always done well and perhaps the State should have more involvement.

Mr. Hall, in response to a question from Mr. Carey, explained that MDP reviews and comments on plans and provides helpful suggestions. These comments are usually taken

into consideration but there are a significant number of jurisdictions who disregard or fail to communicate their response with MDP.

Ms. Greene commented that she agreed that education is important and suggested improving communication on the progress of a plan before the comprehensive plan arrives at MDP. This communication with MDP and the municipalities and counties could help improve the process and the ability to accomplish goals more effectively.

Ms. Gilbert noted there has been a trend that infrastructure issues are increasingly becoming more important. She suggested that a certain amount of focus and support be directed towards infrastructure programs, evaluating what the State is supporting and coordinating this effort with the needs of the locals. Mr. Laria agreed and suggested this view coincides with the Task Force's charge.

Ms. Gardner reminded the group that the issues of APFOs pushing growth somewhere else is because of a lack of money for local governments who have had to add impact fees to recoup its losses. This increase in fees cause home prices to rise and in turn people are moving out. Ms. Gardner noted that APFOs are not the problem rather it is the lack of funding. She mentioned that schools are being built without State funding and that people have diverse options and local elected officials are trying to balance various factors. In order to have ownership with the State Development Plan then it must be developed from the bottom up.

Ms. Chiang-Smith made the Task Force aware of the BRAC Community Enhancement Bill (HB366) that was in the process of being passed. This Bill provides funding for local jurisdictions to pay for the infrastructure; the benefits are directed towards the locals. The Bill is beneficial as this is a great communication tool to getting people to discuss how infrastructure affects the localities.

Mr. Laria thanked the Task Force members, professionals, panelists, and audience for attending the meeting. He emphasized the value in hearing about the local comprehensive plan process and recognized the opportunities to identify issues where things can improve.

The meeting adjourned at 3:47 pm.